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No. 570

In the Supreme Court of the United States

OCTOBER TERM, 1939

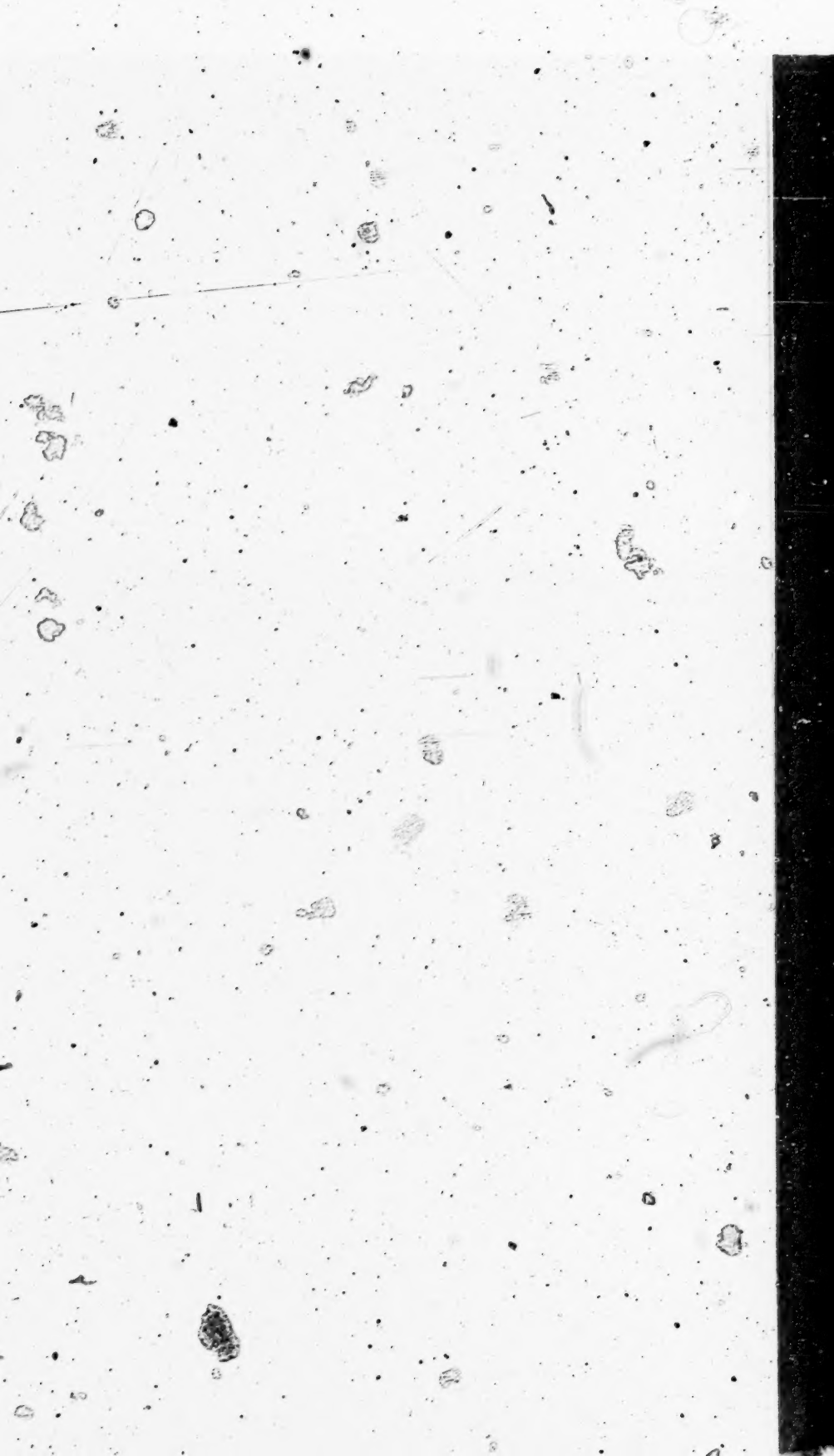
UNITED STATES OF AMERICA, PETITIONER

v.

JOHN C. SHAW, ADMINISTRATOR DE BONIS NON OF THE ESTATE OF SYDNEY C. MCLOUTH, DECEASED

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF MICHIGAN

SUPPLEMENTAL MEMORANDUM FOR THE PETITIONER



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The statement of facts in the petition make several references to the record on the first appeal to the Supreme Court of Michigan (pp. 3–4). Those facts do not bear on the question presented by the petition but are explanatory of the preceding litigation. It now appears that the record on the first appeal is not a part of the record certified to this Court, and that the stipulation is not so broad as we first read it (R. 2; Pet. 3). However, all of the facts as to which reference is made in the petition to the record on the first appeal are found in the opinion of the Supreme Court of Michigan (R. 71–72) and the opinions there cited. *Ingram-Day Lumber Co.* v. *McLouth*, 275 U. S. 471; *In re McLouth's*

Estate, 281 Mich. 191; *Shaw* v. *United States*, 75 F. (2d) 175 (C. C. A. 6th). We therefore think it unnecessary to petition that the record on the first appeal in this case be brought before this Court. This memorandum is filed simply to remove any confusion that might arise because of the references in the petition to the record on the first appeal.

Respectfully submitted.

ROBERT H. JACKSON,
Solicitor General.

DECEMBER 1939.

U. S. GOVERNMENT PRINTING OFFICE: 1939